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12 Attorneys for Defendants and
Plaintiffs-in-Counterclaim AUTONOMY,
13 INC. and AUTONOMY SYSTEMS LTD.

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN JOSE DIVISION
17

18 MICROTECHNOLOGIES, LLC,

19 Plaintiff,

20 v.

21 AUTONOMY, INC. (a/k/a HP
AUTONOMY),

22 Defendant,

23 and

24 HEWLETT-PACKARD COMPANY,

25 Nominal Defendant.
26

Case No. 15-cv-2220-RMW

**THE AUTONOMY PARTIES'
APPLICATION FOR THE ISSUANCE OF
LETTER OF REQUEST**

Defendants and Plaintiffs-in-Counterclaim Autonomy, Inc. and Autonomy Systems Limited (together, the “Autonomy Parties”), by their undersigned attorneys, hereby respectfully apply for the issuance of a Letter of Request to the Senior Master of the Queen’s Bench Division of the Royal Courts of Justice in London, England, to assist the Autonomy Parties in obtaining important evidence for use in the trial of this action.¹ Consistent with 28 U.S.C. § 1781(b)(2), the Autonomy Parties request that this Court send the Letter of Request directly to the Senior Master of the Queen’s Bench Division in order that the Letter of Request will be addressed most expeditiously. Plaintiff MicroTechnologies, LLC (“MicroTech”) has advised the Autonomy Parties that MicroTech will not take action in this Court or in the English courts to oppose issuance of the proposed Letter of Request, with the understanding that all parties reserve their rights to object in this action to the admissibility of any resulting testimony or documents and their rights to seek additional discovery, under either the Federal Rules of Civil Procedure or any other applicable discovery procedure, from the witness who is the subject of the proposed Letter of Request. The Autonomy Parties are filing a Proposed Letter of Request concurrently with this Application.

The Autonomy Parties seek the Court’s assistance in obtaining the following evidence:

1. Testimony from Sushovan Hussain. Mr. Hussain, who upon information and belief resides in England, was a director of Defendant and Plaintiff-in-Counterclaim Autonomy, Inc. at all relevant times. At all relevant times, he was an employee and director of Defendant and

¹ The Autonomy Parties are claimants pursuing an action against Michael Lynch and Sushovan Hussain in England in relation to their conduct as, respectively, Chief Executive Officer and Chief Financial Officer of Autonomy Corporation plc. In that action, the claimants allege misconduct relating to, among other things, the Autonomy group’s relationship and dealings with various value-added resellers. The Plaintiff in this matter pending before the United States District Court for the Northern District of California, MicroTechnologies, LLC, is one of the value-added resellers in question. In the English action, the claimants allege impropriety in relation to, amongst other things, various transactions entered into between Autonomy, Inc. and the Plaintiff. The Letter of Request is narrowly tailored for the purposes of obtaining evidence for the trial of the matter pending in California. The English action is captioned *Autonomy Corporation Limited, et al. v. Michael Lynch, et al.*, Claim No.

1 Plaintiff-in-Counterclaim Autonomy Systems Limited, and chief financial officer of the
2 Autonomy group companies. In addition, he was at all relevant times a director of Autonomy
3 Corporation plc, the parent corporation of Autonomy, Inc. and Autonomy Systems Limited.
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5 In this action, the Autonomy Parties allege in the Counterclaims that MicroTech aided and
6 abetted Hussain's breach of fiduciary duties owed to the Autonomy Parties. Specifically, it is
7 alleged that Hussain and other officers and directors of the Autonomy Parties were engaged in a
8 scheme that included, among other things, sham transactions with MicroTech designed to permit
9 Autonomy Corporation plc to recognize revenue and profit that was, in fact, non-existent, and to
10 accelerate improperly the recognition of other revenue and profit. It is further alleged that the
11 MicroTech transactions, and others, allowed Hussain and the other Autonomy officers and
12 directors to create the appearance that the Autonomy group was growing rapidly, meeting market
13 expectations, and enjoying an increasing market share. That appearance, in turn, caused the
14 price of Autonomy Corporation plc's stock to rise and made it an attractive candidate for
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HC-2015-001324 (High Court of Justice, Chancery Division, London). Copies of the Particulars of Claim and the
Defendants' Defences are attached hereto as Exhibits 1-3.

1 acquisition by a third party. The Autonomy Parties seek the Court's assistance in obtaining
2 testimony by Mr. Hussain regarding the MicroTech transactions, including his awareness of and
3 involvement in them, his interactions with MicroTech, and the role of the MicroTech transactions
4 in the alleged scheme.

5 DATED: December 4, 2015

/s/ Neil A. Goteiner

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